
Introduced by Senator Cedillo

February 18, 2005

An act to amend Section 14602.6 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 591, as introduced, Cedillo. Impounding: vehicles.

Under existing law, whenever a peace officer determines that a person was driving a vehicle while that person's driving privilege was suspended or revoked or without ever having been issued a driver's license, the peace officer is authorized to either immediately arrest that person and cause the removal and seizure of that vehicle or, if the vehicle is involved in a traffic collision, cause the removal and seizure of the vehicle, without the necessity of arresting the person. In either case, under existing law, that vehicle is required to be impounded for 30 days, subject to an earlier release to the registered owner under specified circumstances and an earlier release to the legal owner under other specified circumstances.

This bill would authorize a city or county to adopt an ordinance that imposes an impoundment period that is less than 30 days where the offense involves a person having never been issued a driver's license and would provide for the release of a vehicle at the expiration of that period.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14602.6 of the Vehicle Code is
2 amended to read:

1 14602.6. (a) (1) Whenever a peace officer determines that a
2 person was driving a vehicle while his or her driving privilege
3 was suspended or revoked or without ever having been issued a
4 driver's license, the peace officer may either immediately arrest
5 that person and cause the removal and seizure of that vehicle or,
6 if the vehicle is involved in a traffic collision, cause the removal
7 and seizure of the vehicle, without the necessity of arresting the
8 person in accordance with Chapter 10 (commencing with Section
9 22650) of Division 11. ~~A~~

10 (2) (A) A vehicle so impounded shall be impounded for 30
11 days.

12 (B) *Notwithstanding subparagraph (A), a local authority may,*
13 *by ordinance, impose a lesser impoundment period where the*
14 *offense involves a person having never been issued a driver's*
15 *license.*

16 (C) The impounding agency, within two working days of
17 impoundment, shall send a notice by certified mail, return receipt
18 requested, to the legal owner of the vehicle, at the address
19 obtained from the department, informing the owner that the
20 vehicle has been impounded. Failure to notify the legal owner
21 within two working days shall prohibit the impounding agency
22 from charging for more than 15 days' impoundment when the
23 legal owner redeems the impounded vehicle. The impounding
24 agency shall maintain a published telephone number that
25 provides information 24 hours a day regarding the impoundment
26 of vehicles and the rights of a registered owner to request a
27 hearing.

28 (b) The registered and legal owner of a vehicle that is removed
29 and seized under subdivision (a) or their agents shall be provided
30 the opportunity for a storage hearing to determine the validity of,
31 or consider any mitigating circumstances attendant to, the
32 storage, in accordance with Section 22852.

33 (c) Any period in which a vehicle is subjected to storage under
34 this section shall be included as part of the period of
35 impoundment ordered by the court under subdivision (a) of
36 Section 14602.5.

37 (d) (1) An impounding agency shall release a vehicle to the
38 registered owner or his or her agent prior to the end of 30 days'
39 impoundment under any of the following circumstances:

40 (A) When the vehicle is a stolen vehicle.

1 (B) When the vehicle is subject to bailment and is driven by an
2 unlicensed employee of a business establishment, including a
3 parking service or repair garage.

4 (C) When the license of the driver was suspended or revoked
5 for an offense other than those included in Article 2
6 (commencing with Section 13200) of Chapter 2 of Division 6 or
7 Article 3 (commencing with Section 13350) of Chapter 2 of
8 Division 6.

9 (D) When the vehicle was seized under this section for an
10 offense that does not authorize the seizure of the vehicle.

11 (E) When the driver reinstates his or her driver's license or
12 acquires a driver's license and proper insurance.

13 *(F) When the impoundment period imposed pursuant to*
14 *subparagraph (B) of paragraph (2) of subdivision (a) has*
15 *elapsed.*

16 (2) ~~No~~A vehicle shall *not* be released pursuant to this
17 subdivision without presentation of the registered owner's or
18 agent's currently valid driver's license to operate the vehicle and
19 proof of current vehicle registration, or upon order of a court.

20 (e) The registered owner or his or her agent is responsible for
21 all towing and storage charges related to the impoundment, and
22 any administrative charges authorized under Section 22850.5.

23 (f) A vehicle removed and seized under subdivision (a) shall
24 be released to the legal owner of the vehicle or the legal owner's
25 agent prior to the end of 30 days' impoundment if all of the
26 following conditions are met:

27 (1) The legal owner is a motor vehicle dealer, bank, credit
28 union, acceptance corporation, or other licensed financial
29 institution legally operating in this state or is another person, not
30 the registered owner, holding a security interest in the vehicle.

31 (2) The legal owner or the legal owner's agent pays all towing
32 and storage fees related to the seizure of the vehicle. No lien sale
33 processing fees shall be charged to the legal owner who redeems
34 the vehicle prior to the 15th day of impoundment. Neither the
35 impounding authority nor any person having possession of the
36 vehicle shall collect from the legal owner of the type specified in
37 paragraph (1), or the legal owner's agent any administrative
38 charges imposed pursuant to Section 22850.5 unless the legal
39 owner voluntarily requested a poststorage hearing.

(3) (A) The legal owner or the legal owner's agent presents either lawful foreclosure documents or an affidavit of repossession for the vehicle, and a security agreement or title showing proof of legal ownership for the vehicle. Any documents presented may be originals, photocopies, or facsimile copies, or may be transmitted electronically. The impounding agency shall not require any documents to be notarized. The impounding agency may require the agent of the legal owner to produce a photocopy or facsimile copy of its repossession agency license or registration issued pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, or to demonstrate, to the satisfaction of the impounding agency, that the agent is exempt from licensure pursuant to Section 7500.2 or 7500.3 of the Business and Professions Code.

~~No administrative~~

(B) *Administrative* costs authorized under subdivision (a) of Section 22850.5 shall *not* be charged to the legal owner of the type specified in paragraph (1), who redeems the vehicle unless the legal owner voluntarily requests a poststorage hearing. ~~No~~ A city, county, city or county, or state agency shall *not* require a legal owner or a legal owner's agent to request a poststorage hearing as a requirement for release of the vehicle to the legal owner or the legal owner's agent. The impounding agency shall not require any documents other than those specified in this paragraph. The impounding agency shall not require any documents to be notarized.

~~As~~

(C) *As* used in this paragraph, "foreclosure documents" means an "assignment" as that term is defined in subdivision (o) of Section 7500.1 of the Business and Professions Code.

(g) (1) A legal owner or the legal owner's agent that obtains release of the vehicle pursuant to subdivision (f) may not release the vehicle to the registered owner of the vehicle or any agents of the registered owner, unless the registered owner is a rental car agency, until after the termination of the 30-day impoundment period.

(2) The legal owner or the legal owner's agent may not relinquish the vehicle to the registered owner until the registered owner or that owner's agent presents his or her valid driver's

1 license or valid temporary driver's license to the legal owner or
2 the legal owner's agent. The legal owner or the legal owner's
3 agent shall make every reasonable effort to ensure that the
4 license presented is valid.

5 (3) Prior to relinquishing the vehicle, the legal owner may
6 require the registered owner to pay all towing and storage
7 charges related to the impoundment and any administrative
8 charges authorized under Section 22850.5 that were incurred by
9 the legal owner in connection with obtaining custody of the
10 vehicle.

11 (h) (1) A vehicle removed and seized under subdivision (a)
12 shall be released to a rental car agency prior to the end of 30
13 days' impoundment if the agency is either the legal owner or
14 registered owner of the vehicle and the agency pays all towing
15 and storage fees related to the seizure of the vehicle.

16 (2) The owner of a rental vehicle that was seized under this
17 section may continue to rent the vehicle upon recovery of the
18 vehicle. However, the rental car agency may not rent another
19 vehicle to the driver of the vehicle that was seized until 30 days
20 after the date that the vehicle was seized.

21 (3) The rental car agency may require the person to whom the
22 vehicle was rented to pay all towing and storage charges related
23 to the impoundment and any administrative charges authorized
24 under Section 22850.5 that were incurred by the rental car
25 agency in connection with obtaining custody of the vehicle.

26 (i) Notwithstanding any other provision of this section, the
27 registered owner and not the legal owner shall remain responsible
28 for any towing and storage charges related to the impoundment,
29 any administrative charges authorized under Section 22850.5,
30 and any parking fines, penalties, and administrative fees incurred
31 by the registered owner.

32 (j) The impounding agency ~~shall~~ *is not* be liable to the
33 registered owner for the improper release of the vehicle to the
34 legal owner or the legal owner's agent provided the release
35 complies with ~~the provisions of~~ this section.